

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

LARYIE EARL JONES

*

Petitioner,

*

v.

* CIVIL ACTION NO. 2:05-CV-701-F

ANTHONY CLARK, *et al.*,

*

Respondents.

*

ORDER

Respondents filed an answer and supplemental answer addressing the claims for relief presented in the instant 28 U.S.C. § 2241 habeas corpus petition. (Doc. Nos. 11, 18.)

In their answer, as supplement, Respondents contend that the petition for habeas corpus relief is due to be denied because Petitioner is entitled to no relief on the claim presented therein.

Accordingly, it is

ORDERED that on or before November 28, 2005 Petitioner may file a response to Respondents' answer, as supplemented. Any documents or evidence filed after this date will not be considered by the court except in exceptional circumstances. At any time after November 28, 2005, the court will determine whether an evidentiary hearing is necessary. If it appears that an evidentiary hearing is not required, the court will dispose of the petition as justice requires. *Cf.* Rule 8(a), *Rules Governing Section 2254 Cases in the United States District Courts*.

Petitioner is instructed that when responding to Respondents' answer, as supplemented, he may file sworn affidavits or other documents in support of his claims. Affidavits should set forth specific facts which demonstrate that Petitioner is entitled to relief on the grounds presented in the habeas corpus petition. If documents which have not previously been filed with the court are referred to in the affidavits, sworn or certified copies of those papers must be attached to the affidavits or served with them. When Petitioner attacks Respondents' answer, as supplemented, by use of affidavits or other documents, the court will, at the appropriate time, consider whether to expand the record to include such materials. *Cf. Rule 7, Rules Governing Section 2254 Cases in the United States District Courts.*

Petitioner is specifically cautioned that if he fails to file a response to Respondents' answer, as supplemented, within the time allowed by the court, the court thereafter will proceed to consider the merits of the petition.

Done this 4th day of November 2005.

/s/ Delores R. Boyd
DELORES R. BOYD
UNITED STATES MAGISTRATE JUDGE